GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Prohibition & Excise Department – Orders of Hon'ble APAT in OA No.5350/2010 - Provisional decision for inclusion of name of Sri G. Veera Reddy, Assistant Commissioner of Prohibition & Excise (Retd.) for assigning notional date of promotion in the cadre of Deputy Commissioner of Prohibition & Excise in the panel year 1995-96 – Confirmed – Orders - Issued.

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REVENUE (EXCISE-I) DEPARTMENT

G.O.MS.No. 19 **Dated: 18-01-2019**

Read the following:-

1.Govt. Memo. No.40017/EX.I(1)/2010, dt.05.03.2013.
2.From the Hon'ble High Court of AP, Hyderabad, Orders, dt.25.07.2017 in CC (TR) No.59/2017 filed by Sri G. Veera Reddy, S/o G.Pulla Reddy, retired Assistant Commissioner of Prohibition & Excise (I/c.), Nalgonda District.
3.From the CPE, AP., Cr.No.4440/CPE/A2/2017, dt.09.08.2017.
4.G.O.Rt.No.427, Revenue (Ex-I) Department., Dt:03.04.2018.
5.From Sri G.Veera Reddy, P&ES (Rtd.), Hyderabad, representation, dt.21.04.2018.
6.From the CPE, AP., Cr.No.4440/CPE/A2/2017, dt.08.06.2018.
7.G.O. Rt. No.974, Revenue (Ex.I) Department, Dt:24.07.2018.
8.G.O.Ms.No.615, Revenue (Ex.I) Department, dt.05.12.2018.
9.From the CPE, AP., Cr.No.4440/CPE/A2/2017, dt.07.12.2018.
10.G.O. Rt.No.6, Revenue (Ex.I) Department, Dt:02.01.2019.
11.Andhra Pradesh Gazette Notification No.1048, dt.02.01.2019.

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ORDER:

The Hon'ble APAT., in its order, dated:19.11.2012 in OA No.5350/2010, while setting aside the proceedings of the Commissioner of Prohibition and Excise and the Govt., Memo No. 55059/Ex.I (1)/2005-11, dated 29-1-2010 directed to place the name of the applicant in the cadre of Assistant Excise Superintendent at Sl.No.1 in the panel year 1982-83 and to issue proceedings, within 4 weeks from the date of receipt of a copy of this order with all consequential benefits. Sri G. Veera Reddy, Prohibition & Excise Superintendent (Retd.) has also filed CA No.970/2013 in OA No.5350/2010 for consequential notional promotion to the cadre of Prohibition & Excise Superintendent, Assistant Commissioner and Deputy Commissioner on par with his juniors.

2. Accordingly, in the reference 1st read above, Government examined the request of Sri G. Veera Reddy, Retired in-charge Assistant Commissioner; keeping in view the orders of A.P. Administrative Tribunal in O.A.NO.5350/2010, dt.19.11.2012 and confirmed the provisional decision taken in para (12) of Govt. Memo.No.55059/EX.I(1)/2005-8, dt.19.03.2009, in relaxation of rule 33 (a) of A.P. State and Sub-ordinate Service Rules, 1996.

3. The orders of Hon'ble APAT., in OA No.5350/2010, dt.19.11.2012 have also been examined by the Government in detail and after following due procedure, Sri G. Veera Reddy has been accorded notional promotion as Prohibition & Excise Superintendent on par with his junior Sri A.Gabrial in the cadre of Prohibition & Excise Superintendent in the panel year 1985-86, vide G.O.Rt.No.427, Revenue (Ex.I) Department, dt.03.04.2018.

4. Sri G.Veera Reddy, Prohibition & Excise Superintendent, (Retired), Hyderabad, in his representation, dt.21.04.2018, among others, has

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requested to accord notional promotions as Assistant Commissioner of Prohibition & Excise and Deputy Commissioner of Prohibition & Excise on par with his juniors as per the orders of Hon'ble Tribunal in OA No.5350/2010, dt.19.11.2012.

5. The request of Sri G. Veera Reddy, In-charge Assistant Commissioner of Prohibition & Excise, (Retired) has been examined and after following due procedure, he was promoted notionally to the post of Assistant Commissioner of Prohibition and Excise with effect from 01.02.1990 (ie., the date of promotion of his junior Sri C. Rajagopal Naidu) by relaxing rule 33 (a) of A.P. State and Sub-ordinate Service Rules, 1996, vide G.O.Ms.No.615, Revenue (Ex.I) Department, dt.05.12.2018.

6. The Commissioner of Prohibition and Excise, AP., in the reference 9th read above, among others, has stated that as per the notional promotion in the cadre of Assistant Commissioner of Prohibition & Excise he is senior to Sri Fazulullah and as such he has to be placed in the panel year 1995-96. As per the notional panels of Deputy Commissioners of Prohibition & Excise for the panel years 1975-76 to 2004-05, which was issued vide G.O.Ms.No.2039, Revenue (Ex.I) Department, dt.26.11.2005, the following persons are placed in the panel year 1995-96:

1. Sri B. Venkatasubbaiah.
2. Sri P. Indrasena Reddy.
3. Sri Fazulullah.

7. The Commissioner of Prohibition & Excise, AP., has therefore, requested to take immediate action for considering notional promotion to Sri G. Veera Reddy as Deputy Commissioner of Prohibition & Excise in the panel year 1995-96 and also to avoid contempt proceedings in the matter.

8. In view of the proposal of Commissioner of Prohibition & Excise, the matter has been placed before the Review Departmental Promotion Committee for their recommendations. The Review Departmental Promotion Committee, which met on 31.12.2018 has recommended to include the name of Sri G. Veera Reddy in the panel of Assistant Commissioner of Prohibition and Excise at Sl.No.3, for notional promotion to the category of Deputy Commissioner of Prohibition & Excise ie., below the name of Sri P. Indrasena Reddy in the panel year 1995-96, duly deleting the last name of Sri Fazulullah, as per the orders issued in G.O.Ms.No.62, G.A.(DPC-I) Department, dt.08.02.1989, as the panel was prepared for 3 vacancies only.

9. Government have accepted the recommendations of the Review Departmental Promotion Committee and provisionally included the name of Sri G. Veera Reddy in the panel of Assistant Commissioner of Prohibition and Excise fit for promotion to the post of Deputy Commissioner notionally at Sl.No.3 ie., below the name of Sri P.Indrasena Reddy (Sl.No.2) Deputy Commissioner of Prohibition and Excise in the panel year 1995-96, duly deleting the last name of Sri Fazulullah and called for objections from the affected persons on the proposed notional promotion of Sri G. Veera Reddy, Assistant Commissioner of Prohibition and Excise (Retd.) to the post of Deputy Commissioner in the reference 10th read above and also published in the A.P. Gazette, vide Notification No.1048, dt.02.01.2019. No objections have been received within the stipulated period against the provisional decision.

10. Hence, the Government have decided to confirm the provisional decision to include the name of Sri G. Veera Reddy, Assistant Commissioner of Prohibition and Excise (Retd.) fit for notional promotion at Sl.No.3 ie., below the name of Sri P.Indrasena Reddy (Sl.No.2) Deputy Commissioner of Prohibition and Excise in the panel year 1995-96, as issued in

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G.O.Rt.No.6, Revenue (Ex.I) Department, dt.02.01.2019 and accordingly, he is promoted notionally to the post of Deputy Commissioner with effect from 01.08.1996 (ie., the date of promotion of his junior Sri Fazulullah) by relaxing the rule 33 (a) of A.P. State and Sub-ordinate Service Rules, 1996.

11. The above promotion is subject to out come of SLPs/WPs/OAs/CAs/RPs/appeals, pending if any, before the Hon'ble Supreme Court/High Court/APAT/Government, as the cae may be.

12. The Commissioner of Prohibition and Excise, Andhra Pradesh shall take necessary action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. D. SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Commissioner of Prohibition & Excise, A.P.,
RS.No.88-2B, Sai Vihar Apartments,
Poultry Farm Road, Prasadampadu(Village),
Vijayawada (Rural Mandal), Krishna District.
The Commissioner of Prohibition & Excise, Telangana State.
Sri G. Veera Reddy, Deputy Commissioner of Prohibition & Excise(Retd.)
through the CPE., AP.
The Government Pleader for Services, (Revenue), Government of AP,
High Court of AP, Vijayawada.
Copy to the Accountant-General, Andhra Pradesh and State of Telangana.
SF/SC.

//FORWARDED::BY ORDER //

SECTION OFFICER.